

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

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In re: Chapter 13

Scott Ramirez, Case No. 11-15673-jlg

Debtor. Hearing Date: January 5, 2017

Judge: James L. Garrity, Jr.

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STATEMENT IN SUPPORT OF MOTION TO VACATE AUTOMATIC STAY

Secured Creditor, Nationstar Mortgage LLC as servicing agent for Deutsche Bank National Trust Company, as Trustee for HarborView Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-9 ("Movant"), by its attorneys, Buckley Madole, P.C., hereby moves this Court of an Order pursuant to 11 U.S.C. § 362(d), and respectfully states as follows:

Parties and Jurisdiction

1. Scott Ramirez (the "Debtor") filed a petition for relief under Chapter 13 of 11 U.S.C. Sections 101 *et. seq.* (the "Bankruptcy Code") on December 09, 2011. The bankruptcy filing commenced the above-captioned case and invoked the stay provisions of the Bankruptcy Code section 362(a).
2. This is a motion pursuant to Bankruptcy Code section 362(d) for relief from the automatic stay. This Court has jurisdiction over the bankruptcy case and this motion pursuant to 28 U.S.C. §§ 157 and 1334. This motion constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).

Relief Requested

1. On or about August 25, 2006, debtor Scott M. Ramirez (the "Borrower") executed a consolidated note, in the principal sum of \$310,000.00, and a consolidation extension and modification agreement (the "CEMA") with Countrywide Bank, N.A., placing a lien Debtor's property located at 261 E 202nd St, Bronx, New York 10458 (the "Premises"). Debtor lists the Premises as his primary residence and has a possessory interest in the Premises. The CEMA was recorded by the Office of the City Register of the City of New York on October 12, 2006 and recorded as CRFN 2006000570468 and modified a prior note and mortgage given by the debtor on February 23, 2005. Debtor modified the CEMA by agreement post-petition and by Court Order

approving that agreement. *See* Docket Entry #110. The note and CEMA were subsequently assigned to Deutsche Bank National Trust Company, as Trustee for HarborView Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-9 and Nationstar Mortgage LLC is the servicing agent of the loan and is authorized to act on behalf of the holder of the note. Copies of loan documents are annexed hereto as Exhibit "A."

2. Borrower's account with Movant is post-petition due for the May 1, 2016 payment. As adequate protection payments are not being made to Movant, relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) is warranted. The payoff on Borrower's account with Movant as of August 15, 2016 was in excess of \$357,880.79:

Principal:	\$355,020.06
Accrued interest:	\$3,489.42
Late Charges	\$0.00
Costs (attorney's fees, other costs):	\$475.00
Advances (property taxes, insurance):	\$923.29
Less suspense account or partial balance paid:	\$2,026.98

3. Debtor's Schedules value the Premises at \$192,240.00; providing no equity in the Premises to serve as adequate protection to Movant. Relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(2) is also warranted.

6. Based upon the foregoing, Movant respectfully requests an Order granting relief from the automatic stay permitting Movant to proceed with its state court action.

WHEREFORE, Movant respectfully requests that the Court entered an Order terminating the automatic stay of Section 362 of the Bankruptcy Code as to the Premises allowing Movant to pursue its foreclosure action and granting Movant other and further relief as this Court may deem just and proper.

Dated: August 31, 2016

Respectfully Submitted,

/s/ Melissa N. Licker

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